

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JANICE PASSANISI,

No. C-05-1556 SBA (JCS)

Plaintiff(s),

v.

**NOTICE OF REFERENCE;
ORDER TO MEET AND CONFER AND
FOR JOINT LETTER**

TEREX CORPORATION, ET AL.,

Defendant(s).

TO ALL PARTIES AND COUNSEL OF RECORD:

The above matter has been referred to Magistrate Judge Joseph C. Spero for resolution of Plaintiff's Motion to Compel Further Responses to Discovery (the "Motion") [Docket No. 27] and all future discovery matters.

As it appears to this Court that counsel have not made adequate efforts to resolve this matter without the need for Court intervention, IT IS HEREBY ORDERED that not later than five (5) calendar days from the date of this Order, lead trial counsel for Plaintiff and lead trial counsel for Defendants shall meet and confer **in person** regarding the subject matter of the Motion in an effort to resolve the matter(s) at issue. Within five (5) calendar days of lead trial counsels' meet-and-confer session, the parties shall provide a detailed Joint Letter to the Court. This Joint Letter shall include a description of each unresolved issue and, with respect to each such issue, a detailed summary of each party's final substantive position and its final proposed compromise on each issue. After the Court has received the Joint Letter, the Court will determine what future proceedings, if any, are necessary.

LAW AND MOTION HEARING PROCEDURES

Civil law and motion is heard on Friday mornings, at 9:30 a.m., in Courtroom A, 15th Floor, United States District Court, 450 Golden Gate Avenue, San Francisco, California.

In the event a **discovery dispute** arises, before filing any discovery motion before this Court, the parties are ORDERED to comply with the following:

1. Lead trial counsel for both parties must meet and confer *in person* regarding the matter(s) at issue. This meeting shall occur after other efforts to resolve the dispute, such as telephone, e-mail, teleconference, or correspondence, have been unsuccessful. Once those efforts have proved unsuccessful, any party may demand a meeting of lead trial counsel to resolve a discovery matter. Such a meeting shall occur within ten (10) business days of the demand. The locations of the meetings shall alternate. The first meeting shall be at a location selected by counsel for Plaintiff(s). If there are any future disputes, the next such meeting shall be held at a location to be determined by counsel for Defendant(s), etc.
2. Within five (5) business days of the in-person meeting between lead trial counsel referred to above, the parties shall jointly file a detailed letter with the Court, which will include the matters that remain in dispute, a detailed substantive description of each side's position on each such issue, and a description of each side's proposed compromise on each such issue.
3. After the Court has received the joint letter, the Court will determine what future proceedings, if any, are necessary.

A party or counsel has a continuing duty to supplement the initial disclosure when required under Fed. R. Civ. P. 26(e)(1).

Law and motion matters may be submitted without argument upon stipulation of the parties and notification of the Court no later than 4:30 p.m. the day before the hearing. Pursuant to Civil L. R. 7-7(e), filed motions may be withdrawn without leave of the Court, within seven (7) days of the date for service of the opposition. Thereafter, leave of the Court must be sought.

COURTESY COPIES

All documents shall be filed in compliance with the Civil Local Rules. Documents not filed in compliance with those rules will not be considered by the Court.

BEFORE NOON ON THE NEXT BUSINESS DAY FOLLOWING THE ELECTRONIC FILING, THE PARTIES ARE REQUIRED TO LODGE DIRECTLY WITH CHAMBERS ONE **PAPER** COPY OF EACH DOCUMENT, WHICH IS TO BE DESIGNATED "JCS'S CHAMBERS' COPY." All filings of documents relating to motions referred to Magistrate Judge Spero shall list the civil case number and the district court judge's initials followed by the designation "(JCS)".

Any party seeking an award of attorney's fees or other expenses in connection with this motion shall file a motion in accordance with Civil L. R. 37-1(e).

The failure of counsel or a party to abide by this Order may result in sanctions pursuant to Fed. R. Civ. P. 16(f).

IT IS SO ORDERED.

Dated: June 8, 2006



JOSEPH C. SPERO
United States Magistrate Judge